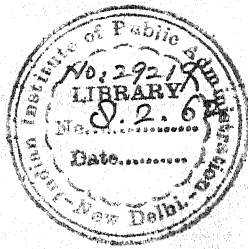


EXCLUDED AREAS

UNDER THE NEW CONSTITUTION

By

Z. A. AHMAD B.sc., Ph.D. (London)



Published by K. M. Ashraf on behalf of the Political and
Economic Department of the All-India
Congress Committee, Allahabad

1937

Rs. 2/4
N.B.C.

BA27x50
AK61

PRINTED BY M. N. PANDEY AT THE A. L. J. PRESS, ALLAHABAD
PUBLISHED BY J. B. KRIPALANI, GENL. SECY., A. I. C. C., ALLD.

PREFACE

This small pamphlet has been written with the sole object of drawing public attention to the problem of Excluded Areas in India. It is a mere introduction and does not in any way claim to be an exhaustive analysis of the problem.

The data at my disposal was very scanty, as a veil of darkness surrounds the Excluded Areas. One is inclined to believe that information on the life and labour of the inhabitants of these areas and the administration to which they are subjected is deliberately kept out of all official publications. Nor, as yet has any systematic attempt been made by non-official agencies to bring to light the conditions prevailing in these tracts.

I am, however, thankful to Mr. P. Kodanda Ramiah, Secretary, Excluded Areas Association, Polavaram who supplied me with a number of facts which have been incorporated in this pamphlet.

Z. A. AHMAD

7

INTRODUCTION

The problem of Excluded Areas has not yet received the measure of public attention that it deserves. There are in India today about 25 million tribal people, nearly half of whom have been excluded from the scope of the ordinary law and administration of the land, by being placed in what are now called "Excluded" or "Partially Excluded Areas." These areas are kept under a specially autocratic system of administration and have remained entirely unaffected by constitutional changes in the country. No Provincial or Central Legislation is applicable to them, unless so desired by the Governor-General or the Governor. This aspect of Indian administration which affects the lives of millions of inhabitants of the country is one of the most brazen expressions of imperialist rule in India.

Before the Reforms of 1919, almost all of these areas were "scheduled districts" under India Act XIV of 1874. They were subject to special laws and administrative procedure secured either by enactments for individual tracts or by notifications under All India Statutes.

The Montague-Chelmsford Reforms treated these areas as "Backward Tracts" and made the provisions of the Government of India Act of 1919 inapplicable to them. A distinction was however made between those tracts which were wholly excluded from the Reforms and those which were subjected to varying degrees of exclusion. The tracts which were completely excluded were not given any direct representation to the legislatures; nor were the legislatures allowed any jurisdiction over them. The Governor-in-Council was made solely responsible for their administration. This was secured by Section 52A(2) of the Government of India Act (1919) which prescribed that:—

1. "Neither the Central nor the Provincial Legislature shall have power to make laws applicable to the tract, but the Governor-in-Council may direct that any Act of the Provincial Legislature shall apply to the tract, subject to such

exceptions or modifications as the Governor thinks fit.

2. "Proposals for expenditure in the tract need not be submitted to the vote of the Legislative Assembly or Provincial Legislature.

3. "No question may be asked about the tract and no subject relating to it may be discussed in the Assembly or (except with Governor's sanction) in the Provincial Legislature."

The remaining "Backward Tracts" were treated as partially excluded in the sense that the legislatures were allowed to vote the necessary expenditure for them, to ask questions about them and to make special laws for them, which however could in no case be enforced without the sanction of the Governor-General in Council or the Governor-in-Council, who were given full discretionary powers in applying or refusing to apply any legislative enactment to these areas. The notification of the Government of India which conferred these discretionary powers provided that:—

1. "The Governor-in-Council may direct that any Act of the Provincial Legislature shall not apply to the tract, or shall apply subject to such exceptions or modifications as the Governor may think fit.

2. "The Legislative Assembly or the Provincial Legislature, when making laws solely applicable to the backward tract in question or any part of it, must insert a provision that the law shall come into force only on such date and subject to such exceptions or modifications as may be ordered by the Governor-General in Council or the Governor-in-Council as the case may be."

Besides, Section 52A(2) empowered the Governor-General in Council to direct that any All India Statute of general application should not apply, or should only apply subject to such modifications as the Governor-General may think fit, to any of these tracts.

The following were the "Backward Tracts" wholly excluded by the Reforms of 1919:—

In Madras—The Laccadive Islands and Minicoy.

In Bengal—The Chittagong Hill Tracts.

In Punjab—Spiti.

In Burma—All the backward tracts of the Province.

In Bihar and Orissa—Angul.

The "Partially Excluded Tracts" were the following:—

In Madras—The Agency Tracts.

In Bengal—Darjeeling.

In the Punjab—Lahaul.

In Bihar and Orissa—Chota Nagpur, Santal Parganas, and Sambalpur.

In Assam—All the backward tracts of the province.

All the backward tracts of the country together covered an area of 207,900 square miles and had a population of about 13 million persons.

The Simon Commission recommended the use of the term "Excluded Areas" instead of "Backward Tracts" and proposed that their administration should be transferred from Provincial Governments to the Government of India.

The White Paper which embodied the proposals for Indian Constitutional Reforms stated that "Excluded Areas" shall continue to be administered by the Governor in his sole discretion and that Ministers will have no constitutional right to advise him in connection with them.

The Joint Parliamentary Committee which examined the proposals of the White Paper observed:—

"It is proposed that the powers of a Provincial Legislature shall not extend to any part of the Province which is declared to be an "Excluded Area" or a "Partially Excluded Area." In relation to the former, the Governor will himself direct and control the administration; in the case of the latter he is declared to have a special responsibility. In neither case will any Act of the Provincial Legislature apply to the area, unless by direction of the Governor given at his discretion with any exceptions or modifications which he may think fit. The Governor will also be empowered at his discretion to make regulations having the force of law for the peace and good government of any "Excluded" or "Partially Excluded Area," but subject in this case to the prior consent of the Governor-General. We have already expressed our approval of the principle of "Excluded Areas," and we accept the above proposals as both necessary and reasonable so far as "Excluded Areas" proper are concerned. We think, however, that a distinction might well be drawn in this respect between "Excluded Areas" and "Partially Excluded Areas" and that the application of Acts to, or the framing of Regu-

lations for, "Partially Excluded Areas" is an executive act which might appropriately be performed by the Governor on the advice of his Ministers, the decision taken in each case being, of course, subject to the Governor's special responsibility for "Partially Excluded Areas," that is to say, being subject to his right to differ from the proposals of his Ministers if he thinks fit."

The Committee further recommended that as the administration of excluded areas was a matter which would be the exclusive responsibility of the Governor, the expenditure required for these areas, whether derived from Provincial or from Central revenues, should not be subject to the vote of the Legislature.

The Committee endorsed the White Paper proposal that the specification of the areas to be treated as excluded or partially excluded should be a matter to be prescribed by the Parliament and not by the Government of India.

In accordance with these recommendations Section 19 of the Government of India Act (1935) provides that the King may at any time by Order-in-Council direct that any excluded area shall become a partially excluded area or that any partially excluded area shall cease to be so. He may also, if necessary, alter the boundaries of such areas and declare any territory not previously included in any Province to be, or to form part of, an excluded area or a partially excluded area. Section 92 of the Act provides that no Act of the Federal Legislature or of the Provincial Legislature, shall apply to an excluded area or a partially excluded area, unless the Governor by public notification so directs and the Governor in giving such a direction may specify that the Act in its application to the area shall be subject to such exceptions or modifications as he thinks fit.

Under these provisions of the Government of India Act (1935) a draft Order-in-Council published in January 1936, provided for a considerable increase in the totally and partially excluded areas bringing the former to 8 and the latter to 28, and involving altogether nearly half of the aboriginal population of India.

To sum up, under the new Constitution there will be 3 totally excluded and 28 partially excluded areas, having in all a population of about 15 millions. The administration of

the totally excluded tracts will be directed and controlled by the Governor himself, while for the administration of partially excluded tracts the Governor will have a special responsibility, that is, he will seek the advice of his Ministers but will have the right to differ from and over-rule the proposals of his Ministers if he thinks it necessary. No Legislative enactment whether of the Federation or of the Province will apply to an excluded or partially excluded area unless the Governor so directs by a notification. The Governor will also have the complete authority to make any laws and regulations for such areas and also to repeal and amend any Federal or Provincial laws which may be for the time being applicable to these areas. In all matters concerning any such areas the Governor will act entirely in his direction and the validity of anything done by the Governor shall not be called in question on any ground whatever. The expenditure for these areas will not be sanctioned by the Legislature.

The main argument employed by the Government of India in justification of the policy of excluding large tracts from the normal administration of the country is that the elaborate system of law and legal procedure which prevails in the more advanced areas cannot be comprehended by backward tribes, and is not suited to their cultural level. It is argued that the British Indian system of administration will bring about a complete breakdown of the primitive communal organisations and will sap the economic and moral life of these tribes. The application of alien laws would throw these straightforward, truthful and honest primitives into the clutches of exploiters coming from the more advanced territories, and by disturbing the tribal customs would create such conflicts and conflagrations in these areas as would involve the Government in serious difficulties. It is therefore, considered best to allow these primitive communities to live in their age-long isolation. As Mr. Hutton Superintendent of the Census of 1931, observes "A tribe living in comparative isolation will usually be found to have developed an adaptation to its environment which within certain limits approaches perfection, an adaptation which may have taken many millennia to accomplish, and the breakdown of which may be the ruin of the tribe, for it is

likely to proceed at a far greater rate than either the gradual change in physical environment or than the still slower process of adaptation to that change." Mr. Hutton goes on to describe the harmful consequences of bringing the tribal people within the sphere of civilised administration and observes "In the alternative they may retain a sort of emasculated tribal life, deprived of the customs and festivals that gave it meaning and cohesion and fall into that physical apathy and physical decline which has decimated so many tribal communities in the Pacific and elsewhere; and this decline is accelerated in another way by the opening up of communications. Many new diseases are imported against which no immunity has been evolved. Since they did not form part of the environment to which the tribe is adapted and the result is a staggering mortality from which there may be no recovery The Durbar of a State known to the writer vetoed the advent of rail communications on the ground that railways were an evil: they only brought in dirt, disease, crime and strangers, and the state was better without—a judgment in which we may find very much indeed to commend." Hutton adds "Education in itself is a doubtful blessing in so far as it is apt to unfit them for their environment the real problem would appear to be to create self-governing tribal areas with free power of self-determination in regard to surrounding or adjacent provincial units."

These arguments are a straightforward expression of the essentially reactionary nature of British rule in India. That the lives of the tribal people of the country are, to say the least, as short and brutish today as they were when over 150 years ago, the British assumed political power over them is one of the strongest condemnations of the present system of Government. This is one of the manifold aspects of the imperialist policy of curbing systematically the material and moral progress of the country. Nearly 15 million inhabitants of India have been preserved in a state of semi-barbarism, denied education, medical facilities and other amenities of civilised life so that they may never develop a consciousness of their political and economic rights and learn to struggle in an organised and systematic manner against their innumerable wrongs. Who could be an easier victim of

imperialist designs than these backward people, helpless before the physical prowess of their foreign rulers. British Imperialism divides to rule. It has not only attempted to foster and perpetuate communal differences but has also divided the entire territory of the country in such a way as to confine the operation of democratic forces within as narrow limits as possible. One-third of India has been entrusted to feudal princes who are openly supported by the Government in maintaining their autocratic rule and in denying their subjects even the most elementary democratic rights. The new Constitution, now enlarges the excluded areas and secures that they shall remain in every respect unaffected by the social and political forces at work in other parts of the country.

The argument that the primitive people would be best off if allowed to remain in their natural isolation under the protective arm of British law is a pretence to hide the innumerable economic wrongs which are inflicted on these people by British administration. Interference with the tribal life and custom there is but only such interference as degrades and impoverishes the tribes. Special forest and game laws, land laws, excise laws and a number of other enactments are hitting at the very root of the economic life of these people, virtually reducing them to the position of chattel slaves or serfs of big landowners, tea planters and other European adventurers.

The Zemindari system of land tenure has been introduced in very large parts of these areas and where this system does not prevail, the Government does not deal directly with cultivators but with a variety of middlemen whom it has created—revenue contractors, headmen etc.—who being vested with extensive powers extort the utmost as land revenue from the tillers of the soil.

Mr. Hutton writing about the system of land tenure in the tribal areas recognises that, "the tribal custom is normally superseded by a code which is neither valued nor understood by the tribe and in the application of which the tribe is deprived of its property, generally in the name of law, either by alienation to foreigners or by transforming the trusteeship of a tribal chief into absolute ownership of a kind quite foreign to the custom of the tribe. This has

befallen both the Mundas for instances and the hill tribes of Chittagong, to mention two instances, while even in Rajputana a somewhat similar process has been at work." He further quotes an authority who is conversant with the people and conditions in the Rajputana Agency, "what has happened in Rajputana in the last century is a complete departure from the ancient relationship of peasant and chief, where the chief has become securely established in rights that were not his a hundred years ago and the peasant has been deprived both of rights and responsibilities. It would not have been difficult to establish universal franchise a century ago; as a matter of fact it was exercised and is still exercised in inaccessible places without being labelled. To-day it would be so difficult as to make it an almost impossible task to make the peasant withdraw his watchful gaze from his landlord's activities, just within the borders of the law, long enough to exercise an intelligent vote, let alone a responsible one. . . . In the century the operation of British law and its influence has set up the ruling chiefs in a security, authority and prestige that never appertained to their position in earlier times and . . . the peasant has been deprived of just so much as has been accrued to the other. . . . Progressively, and at an accelerated pace since Lord Minto's commencement of the policy of non-interference, the common people have been deprived both of authority and responsibility. The British idea of law and application of it has made this process easy and apparently natural." In many areas no special protection is given by law to tenants and even where tenancy laws have been passed, they are allowed to exist merely on paper. Thus for example the special tenancy laws of Chota Nagpur, the Santal Parganas, Sambhalpur and Angul have become ineffective. In all these areas the big landlords are as powerful and oppressive as elsewhere.

In several parts, large estates have been granted at nominal prices mostly to Europeans for tea plantation. In Darjeeling and other areas where plantations have developed, the tribes having been dispossessed of their lands are obliged to work on plantations on starvation wages. Innumerable other hardships in the form of long hours, extremely bad housing conditions, cruel and unsympathetic treatment,

prohibition of organisation of trade unions etc., are inflicted on them by the planters and their agents. Women and children work along with men and the total earnings of a family are not enough to give it more than an extremely meagre living.

Forest laws are a standing grievance in most of the tribal areas. Forests which were regarded by the tribes as their common property have been made Unclassed State Forests where it is a punishable offence to exercise what the tribes regard as their inalienable right. These State Forests are at the absolute disposal of the Government and any person possessing land in them can be deprived of his land without any compensation. This grievance is acutest in the tribal areas of Assam where recent regulation prevents a person from quarrying stone for his own use on his own jhum land unless he pays Rs. 10 a month or Rs. 100 a year as a permit fee, on the ground that the land belongs to Unclassed State Forests, although actually that land may have belonged to that person's family for generations. In Madras Agency Tracts cultivation has been totally prohibited on jhum lands situated in what are declared as State Forests. The tribes of the Central Provinces are similarly prohibited from cultivating forest land which they have since time immemorial considered to be their common tribal property, and are obliged to cultivate under the land settlement system which subjects them to the revenue extortions of landlords and government officials.

Excise laws are also a source of great hardship. The Government monopoly of salt and the prohibition of distilling weighs heavily on these poverty stricken people who are now obliged to buy what they have always in the past manufactured at home. Licenses for the sale of liquor are granted by the Government to outsiders who exploit to the full their monopoly position. The Government derives a fairly good revenue from excise in these areas.

Game laws are no less oppressive in several parts where prohibition of killing certain animals or restrictions regarding game seasonal deprive the tribes of some very necessary parts of their diet for long periods in the year.

The system of administration in all tribal areas is highly authoritative and autocratic. Many of these areas which

are frontier tracts, are kept under a form of military occupation. All executive and judicial powers are concentrated in the hands of a few government officials, usually headed by a Deputy Commissioner who is vested with almost dictatorial authority in all matters. In most cases he is the District Magistrate as well as the Sessions Judge and also the highest Executive Officer. The Provincial High Courts do not exercise any jurisdiction over these tracts. The appeal from the Deputy Commissioner's Court lies to the Commissioner of the Division in which the area is situated. The Police force is in many cases hardly distinguishable from a military detachment. It is fully armed and enforces law and order ruthlessly. The penalties for the violation of excise and forest laws are no less severe. The administration of justice is crude and speedy. Middlemen between the Magistrate and the accused—vakils, mukhtars etc.—are usually discouraged by the officials who being all powerful are checked, neither by public opinion nor by administrative control, from acting in an extremely high-handed manner. Severe punishments and repression are defended by the officials on the pretence that the tribal people are warlike who cannot be kept under control without strong and drastic measures, and the law by concentrating all authority, executive, judicial and to a considerable extent even legislative, in the hands of a few officials provides for such measures.

Meagre as is the percentage of literates in British India, in the excluded areas it is very much smaller. The Simon Commission recognising that the progress made in education in the backward areas was even less than that made among depressed classes all over India observed "It is clear from the Committee's Review that the main reason for this is the adoption by provincial Governments of a scheme of grants to local authorities proportionate to the sums set aside for education by the local authorities themselves, without any provision, except in Bihar and Punjab, for the grading of districts according to their financial resources. Thus, backward areas, which might be supposed to need most assistance from their provincial Government, receive in most cases, owing to their own poverty, less help from this quarter than wealthier districts. Nor is this state of affairs likely to be

remedied without an extension of the principle of grading." But it is noteworthy that even where the system of grading has been adopted, as for example, in Bihar, the conditions are no better. In a memorandum submitted to the Statutory Commission, the Government of Bihar and Orissa stated that in the matter of education the aboriginals of that province "as a whole are relatively to the general population in a worse position than they were in 1921."

Local self-government in these areas is almost non-existent. Very large tracts are outside the jurisdiction of District Boards and Municipalities, with the result that the construction of public roads, bridges etc. are grossly neglected. Only such development of Public Works is allowed as ministers to the requirements of the administrative machinery. Wherever the partially excluded areas are allowed to send members to District Boards, the representation given to the tribal people is extremely meagre, their representatives being in most cases nominated by the officials.

Economic oppression has compelled tribal areas to burst out from time to time into spontaneous revolts. To quote a few examples, the forest laws among the Koyas in the Rakapalli Taluk in East Godavari Agency resulted in the Rampa Rebellion of 1879. Another factor responsible for this rebellion was the excise policy of the Government of Madras which compelled the Muttahdars to pay fees called 'Chigurupannu' for the right to tap toddy and besides threatened to levy an additional tax called "Modalupannu" at the rate of one-half or two-thirds of the 'Chigurupannu.' To these factors was added the standing grievances about police high-handedness. The people complained "that the constables were extorting fowls; and that as they could not live, they might as well kill the constables and die."¹ The Santal Rebellion of 1855 which is still remembered in the Santal Parganas was caused by the oppression of money-lenders. Traders and money-lenders were the main victims of popular fury. The Ranchi agrarian unrest which continued for a period of 20 years, from 1880 to 1900 was entirely due to the compulsory labour exacted by the landlords from the aboriginal

¹ G. O. No. 109 Judicial, dated January 16, 1880, p. 10, quoted in the *District Gazetteer*, Chap. XV.

cultivators. The situation was aggravated by the enhancement of rents. These and many other revolts sprang from economic grievances which are no less acute and wide-spread today than they have ever been since the introduction of British administration in these areas.

EXCLUDED AREAS

In accordance with the final recommendations of the Government of India, the following areas shall be treated as totally or partially excluded under the new Constitution.

1. MADRAS PRESIDENCY—

(1) The Laccadive (including Minicoy) and Amindivi Islands have been totally excluded.

(2) The Ganjam, Vizagapatam, and East Godavari Agencies have been declared to be partially excluded.

Of the above areas the whole of the Ganjam Agency and a part of the Vizagapatam Agency have now been transferred to the new Province of Orissa.

The Laccadive (including Minicoy) and Amindivi Islands:—The Laccadive Islands and Minicoy are at a distance of about 200 miles from the Malabar Coast. They cover an area of about 10 square miles and their tribal inhabitants are approximately 16,040 in number who are subject to an administration "patriarchal in character, the chief representative of the Government being an officer styled 'Monigar' whose court has the sanction of Custom, Usage and unquestioned authority." The two areas are under the direct control of the Governor-in-Council of Madras and have been administered as a "Backward Tract" under the Scheduled Districts Act and a Regulation of 1912.

The Madras Agency Area:—The Madras Agency Area is constituted by the hilly tracts in Ganjam, Vizagapatam and Godavari Districts. The Ganjam and Vizagapatam Agencies owe their origin to the Ganjam and Vizagapatam Act, 1839 which provided that "the operation of the rules for the administration of civil and criminal justice as well as those for the collection of the revenue, shall cease to have effect," and that "the administration of civil and criminal justice (including the superintendence of the police and the collection and superintendence of the revenues of every description within the tracts of the country specified shall be vested in the Collector of Vizagapatam and shall be exercised by him

as Agent to the Governor of Fort St. George." The Act empowered the Government of Madras to make such rules as they consider proper for the guidance of the Agent. At present the Collectors of Ganjam and Vizagapatam Districts acting in their capacity as Agents to the Governor of Madras carry on the administration of these areas.

The Godavari Agency which was constituted in 1879 under the Scheduled Districts Act of 1874 is a mountainous tract of the East Godavari Districts consisting of the following areas:—

(1) *Bhadrachalam and Rekapalli Taluks*:—These areas once belonging to the Central Provinces were added to the Godavari Agency in 1879.

(2) *Dutcharti and Guditeru Muttabs*:—These parts originally of the Vizagapatam Agency were included in the Godavari Agency in 1881.

(3) *11 petty villages of the Yernagudem Taluk and some of the villages owned by the Munsab of Jaddangi*:—They were at one time plain areas of the Godavari District. But in 1833, they were brought under the Godavari Agency.

(4) *62 villages of the Yernagudem, Rajahmundry and Peddapuram Taluks*:—Like the former villages, these too were transferred from the district of Godavari to the agency area in 1891.

(5) *Nugur, Albaka, and Cherla Taluks*:—These areas of the Central Provinces became the agency tracts of Godavari in 1909.

The Madras Government recommended that with the exception of 25 villages in Polavaram Taluk the whole of the East Godavari be declared partially excluded. They were of the opinion that the villages recommended for exemption were very much like those of the plains and were inhabited neither by aborigines nor by specially backward communities. Some villages of the Prathipadu Sub-Taluk on the border of the agency which were already administered in accordance with ordinary laws were also considered to be normal and therefore not included in the agency.

2. BENGAL—The final recommendations of the Government of India with regard to excluded and partially excluded areas in the Bengal Presidency were as follows:—

(1) The Chittagong Hill Tract should be an excluded

area and the Darjeeling District a partially excluded area in agreement with the Local Government's recommendations.

(2) The Sherpur and Susang Parganas of the Mymensingh District should be a partially excluded area in accordance with Mr. Cadogan's amendment.

The Chittagong Hill Tract:—This area lies at the South-Eastern extremity of the Bengal Presidency. The whole tract covers about 5,000 square miles. Of the total population of 213,000 persons, 155,500 are aborigines. Till 1860, the British Government had hardly any influence over the tribes. In that year an official called the Superintendent of the Hill Tribes was appointed to the charge of the Chittagong Hill Tract. In 1867, the designation of this official was changed to Deputy Commissioner of the Hill Tracts and he was vested with full control over the administration of the area. According to Section 52A of the Government of India Act of 1919 this tract was declared to be a 'Backward Tract' in 1921. The Courts in the tract are not Subordinate to the High Court; the Deputy Commissioner's Court is the Chief Court of the District and the Court of the Commissioner of Chittagong the Supreme Court. Land revenue is administered under Special Regulation I of 1900 and the rules made thereunder.

The Darjeeling District:—This area covering 1164 square miles lies on the borders of Nepal and Sikkim. The population of the District is 319,600 of whom nearly 38,000 or 11.9 per cent are aborigines. It is governed by special acts and regulations. Strictly speaking, it cannot be called a backward area. The aborigines are becoming labourers on tea plantations in large numbers and consequently their tribal characteristics are fast disappearing.

Mymensingh District:—Sherpur and Susang Parganas in this district are partially excluded. They are situated to the South of the Garho Hills of Assam which are also partially excluded.

3. BEHAR AND ORISSA—The final recommendations of the Government of India after hearing the views of the Provincial Government of Behar and Orissa were:—

(1) No part of the Behar and Orissa province should be entirely excluded.

(2) The following areas in Behar and Orissa should be

treated as partially excluded—

- (a) the District of Angul (Orissa);
- (b) the Chota Nagpur Division (Behar);
- (c) the District of Sambalpur (Orissa);
- (d) the Santal Parganas District (Behar).

Angul:—The District of Angul which lies amidst the Feudatory States of Orissa is a mountainous tract and 74 per cent of its population is composed of aboriginal tribes. It covers an area of 1681 square miles. It was not an excluded area till the passing of the Scheduled Districts Act in 1874. The Government of Behar and Orissa recommended in 1918 that the Angul tract along with the Santal Parganas should be kept outside the scope of the Reforms and should be administered by the Governor-in-Council.

Chota Nagpur:—The Chota Nagpur plateau in Behar forms a part of "Jarkhand," a highly inaccessible hilly tract. It is constituted by the Districts of Ranchi, Palamau, Hazaribagh, Singhbhum and Manbhum. The tribes known as Mundas, Oraons, Kharias, Hos, Santals, Bhumijis constitute 58 per cent of the total population.

Ranchi is the most aboriginal of all the Chota Nagpur districts. Nearly 280,000 aboriginals of Ranchi have been converted to Christianity by different foreign Missions.

In Palamau District 49 per cent of the total population belongs to aboriginal tribes. Nearly one-sixth of this area is cultivated and the landlords exercise absolute control over their aboriginal tenants.

Hazaribagh District is inhabited by aboriginal tribes who form 34 per cent of the whole population. More than two-thirds of this district has remained uncultivated and half of the total area is uncultivable.

Special mention must be made here of Kamiauti, a kind of serfdom prevalent in the north of the Hazaribagh District and in Palmau District of Chota Nagpur. In his final report of the survey and settlement operations in the Hazaribagh District (1908 to 1915), Mr. J. D. Sifton, I. C. S., describes the serfdom of the Kamias thus: "Kamias are bound servants of their masters; in return for a loan received, they bind themselves to perform whatever menial services are required of them in lieu of the interest due on the loan. In practice, the system leads to absolute degradation of the

Kamias. In the first place, the Kamia cannot bargain about his wages; he must accept the wage that is customary for landlords to give to his class. The wages represent only one-third of the day's wage for free labour hired, for example, by a contractor for road repair work. The Kamia never sees any money unless it be the occasional few pice he may earn in his spare time. Consequently, he has no chance of ever repaying the principal of his debt and becoming a free man again. A Kamiauti bond therefore involves a life sentence.

"The condition becomes hereditary. Although the son is not responsible for his father's debt after his death, a new debt is always contracted on behalf of the son on occasion of his marriage, which renders him also a Kamia for life. Daily work is not guaranteed by the master, and no food is supplied when there is no work to be done. The result is that the master takes the Kamia's labour at a sweated wage for most of the year, but at a time when there is no agricultural work to be done and the Kamia has least chance of getting any daily employment. Elsewhere, he is left to shift for himself as best he can. He is even free to get work whenever he can, but cannot leave his village for any time in search of it for fear that he might abscond. Actually, he is reduced to earning the most miserable existence by collecting fuel and grass for sale. The restriction of his movements renders the Kamia nothing better than a slave. An absconding Kamia is unable to find an asylum in any part of the area where the system is prevalent."

The District of Singhbhum can be split up into three parts:—

(1) *The Kolham*:—It is a Government estate inhabited by the aboriginal race known as Ho speaking the Ho language. Here the protection afforded to the Hos by the Government is of doubtful value. It depends largely not on legal sanctions but on the personal influence of the Deputy Commissioner who is again guided by the Governor-in-Council.

(2) *Porabhat*:—This area is inhabited by primitive races like Ho and Munda as well as by some semi-Hinduized communities.

(3) *Dhalbhum*:—This tract is occupied by the Bhumij tribe. The Santals also have immigrated to this area and are

gradually settling down there.

Manbhum District consists of two principal areas. The Jharia coal fields area and the remaining tract. The latter is inhabited by the aboriginal tribes. Cultivation has improved a great deal in this district, the present proportion of tillage being 60 per cent of the whole area.

The representation of the aborigines in the local Legislative Council has been very meagre, which may be seen from the following table:—

<i>Name of the division</i>	<i>Percentage of aboriginal electors</i>	<i>Percentage of aboriginals in the population</i>
(1)	(2)	(3)
North Santal Parganas ..	33	51
South Santal Parganas ..	33	
North Manbhum ..	29½	52
South Manbhum ..	52	
Hazaribagh ..	12	34
Ranchi ..	66	80
Palamau ..	20	49
Singhbhum ..	63	76
Sambalpur ..	7½	38

It is clear from the above that only the aborigines of South Manbhum, Ranchi and Singhbhum constituencies have been in a position to return their own candidates to the Legislative Council. In six out of the nine constituencies, big landed interests have been given the majority of seats.

The representation of the aborigines in the District Boards is also unsatisfactory. There is not even one aboriginal on the Manbhum District Board though there are 22 high caste Hindus out of the 26 elected members. In the Hazaribagh District Board also there is not a single aboriginal member while there are 12 high caste Hindus and 4 money-lenders or landlords of other Hindu castes. In Palamau District, all the 18 elected members of the District Board are high caste Hindus except one who is a bania.

Special laws operating in the Chota Nagpur invests the Deputy Commissioner and his subordinates with extraordinary powers of Criminal and Civil Jurisdiction which are not granted to District Magistrates in ordinary districts. In the

Kolham Government estate inhabited by the Hos, the Civil Procedure Code is not in force; there, a set of simple rules of procedure like the Santal Civil Rules are enforced. Group headmen known as Mankis look after the police work and investigate into criminal offences, though in serious cases the services of police officers are requisitioned. A special officer under the guidance of the Deputy Commissioner administers the Kolham tract.

Sambalpur:—The district of Sambalpur which covers an area of 3773 square miles was taken over by the Behar Government in 1905 from the Central Provinces. Within the hilly tract of this district lie the three scheduled Zamindaris of Bara Sambal, Kolebara and Rampur. The central portion of this district is gradually improving though a very large area is still covered with jungle. It has a special District Council in which 15 of the 20 members are elected, 13 by the Local Boards and 2 by the mercantile classes. Of the 4 Local Boards, 2 have elected representatives of village headmen and the trading classes while the other 2 are formed by big landowners. The executive of the District Council is no doubt an elected one but it has to function with the sanctions of the Government. The local bodies are controlled by landholders and the ordinary cultivator has no say in the administration.

The Santal Parganas:—The district of Santal Parganas which covers 5470 square miles was excluded from the scope of general laws and regulations as early as 1855. In 1918 the Behar and Orissa Government supported the exclusion of these parganas from the scheme of Reforms; and this was agreed to by the Government of India. The Santal Parganas are inhabited by Santals, a race forming 38 per cent of the total population of the tract. The Santals practise primitive methods of cultivation similar to those of the hill tribes in Chittagong and the Koyas of Madras. Their indigenous tribal institutions still maintain the supreme authority of the village Headman. The Santal Parganas have a purely nominated District Board.

4. ASSAM—The Government of India in their final recommendations proposed the following as excluded and partially excluded areas in Assam.

PART I—*Excluded*

	<i>Area in sq. miles</i>	<i>Population</i>
Balipara Frontier Tract ..	560	5,148
Sadiya Frontier Tract ..	3,200	53,345
Lakhimpur Frontier Tract ..	394	4,338
Naga Hills District ..	4,293	178,844
Lushai Hills District ..	8,092	114,404
North Cachar Hills ..	1,890	32,844
TOTAL	18,429	388,923

PART II—*Partially Excluded*

	<i>Area in sq. miles</i>	<i>Population</i>
The Garo Hills District ..	3,152	190,911
The Mikir Hills ..	4,387	133,216
The British portions of the Khasi and Jaintia Hills excluding the Shillong Municipality and Cantonment ..	2,445	109,926
TOTAL	9,984	434,053

Balipara, Sadiya and Lakhimpur Frontier Tracts:—These are mainly frontier areas inhabited by primitive tribes. Balipara has no definite outer boundaries though it stretches even to Bhutan and Tibet. Sadiya is different from other frontier areas in so far as it has a heterogeneous population claiming relationship with the inhabitants of widely separated tracts of an unadministered country. Lakhimpur is populated chiefly by Naga Tribes.

Naga Hills Tract:—The Nagas occupying this area are of Indonesian Stock closely akin to the Pagans of Malaya, Borneo, the Philippine Islands and the Indian Archipelago.

Lushai Hills District:—The Lushais of this area have sprung from the Kuky family which is racially connected with Chins and Kachins of Western and North-Western Burma. They are of Mangolian origin and have absolutely

no connection with the Bengalees or Assamees. It is said that they have remained quite uninfluenced by Hinduism or Islam.

The Garo Hills District:—The Garo Hills were formerly populated by animistic tribes which are now being increasingly converted to Christianity. They have racial connections with the Koch, Rabha and Kachari tribes of the plains now mostly Hinduised.

Khashi and Jaintia Hills:—The Khasis have close connections with the tribes inhabiting the hilly tracts of Indo-China and Yunam. The tribes in the Jaintia Hills are much richer and better educated than those living in other hill districts. It may be interesting to note that several of them pay income-tax.

5. THE UNITED PROVINCES—Under the provisions of Section 52(A) of the Government of India Act, 1919, there was no backward tract in the United Provinces. Even the Draft Sixth Schedule recommended no part of the United Provinces either for exclusion or for partial exclusion. But Mr. Cadagon's amendment proposed that Almora and Garhwal Districts should be treated as excluded areas. The Deputy Commissioner of Almora whose opinion was invited could not accept the suggestion. The Government of India investigated the matter and finally recommended that no special treatment under Section 91 was required for the inhabitants of the area in question and that even the Garhwal District had passed the stage of exclusion. The Government of India similarly agreed that the Nainital District should not be excluded.

The Jaunsar-Bawar Pargana of the Dehradun District was however recommended for being a partially excluded area by the Local Government as well as by the Government of India.

The Mirzapur District has another partially excluded area, namely that portion of the district South of the Kaimur range which is the abode of the hill tribes of Kolarian origin. The Government of India endorsed the views of the Deputy Commissioner and the Local Government that this tract may be treated as a partially excluded area.

Summing up the final recommendations of the Govern-

ment of India for the United Provinces, we have the following partially excluded areas.

	<i>Area in sq. miles</i>	<i>Population</i>
(1) Jaunsar-Bawar Pargana in the Dehradun District ..	483	56,000
(2) The portion South of the Kaimur range in the Mirzapur District ..	1,767	146,000
TOTAL	2,250	202,000

It is estimated that 53,600 persons out of the total population of 56,000 in Jaunsar-Bawar Pargana are aborigines. The aborigines living to the South of the Kaimur range in the Mirzapur District are approximately 90,000 in number.

6. THE PUNJAB—Though there are no aboriginal tribes in the Punjab, Spiti and Lahaul were recommended for exclusion.

Spiti and Lahaul belong to the Kangra District. Lahaul having an area of 1,764 sq. miles is on the North-East of Kulu. It has a population of 8,000. The people are Tibetan rather than Indian in stock.

Spiti covering an area of 2,931 sq. miles and lying along the eastern boundary of Lahaul has a population of 3,700. Here also the people are racially Tibetan and Buddhist in religion.

The local administration of Spiti and Lahaul is still patriarchal.

7. THE NORTH-WEST FRONTIER PROVINCE—The North-West Frontier Province has no aboriginal tribes. Nonetheless, the Upper Tanawal in the Hazara District of this province was recommended by the Government of India for exclusion. The area technically belongs to British India; but the Chief of Amb and the Khan of Phulera being hereditary chiefs and possessing a peculiar status and jurisdiction, the tract is treated in a special manner.

8. BOMBAY—The Government of India recommended no area for complete exclusion in the Bombay Presidency, though there are many areas which are partially excluded, a list of which is given below:—

(1) the Nawapur, Taloda (including the Mewasi estates and the Akrani Mahal) Nandurbar and Shahada talukas of the West Khandesh District;

(2) the Satpura Hills reserved forest areas of the East Khandesh District;

(3) Peint Mahal and the Kalwan taluka of the Nasik District;

(4) Mokhada Peta, Umbergaon Peta, and the Dahanu and Shahapur talukas of the Thana District;

(5) the Dohad taluka and Jhalod Mahal of the Panch Mahals District.

The West Khandesh District:—The area has a very large Bhil population, which is concentrated mainly in the Nawapur, Taloda, Nandurbar, and Shahada talukas and in the Mewasi estates. In the 1921 census a broad classification of "Backward" peoples was made, which showed how thickly the above mentioned areas are inhabited by Bhils and other backward peoples.

<i>Taluka</i>	<i>Total</i>	<i>Backward</i>
Nawapur	63,310	62,043
Taloda (excluding Mewasi estates) ..	51,181	38,344
Mewasi estates	28,582	24,817
Nandurbar	78,705	42,911
Shahada	69,440	32,468
TOTAL	291,218	200,583

East Khandesh District:—Over 50,000 aboriginals inhabit the East Khandesh District.

Nasik District:—This district lying along the Eastern edge of the Western Ghats has a large primitive population numbering nearly 200,000. The Kalwan taluka alone has an aboriginal population of about 34,000.

Thana District:—This area touches the Ghats on the West. Here there is an aboriginal population of over 200,000 excluding the Kolis. The Mokhadapeta is a strip of backward area lying between Jawhar State on the West and a very hilly tract of the Nasik District on the East. The Dahanu taluka is inhabited by a large number of Varlis, a primitive

tribe while Shahapur taluka is the stronghold of the Thakurs.

The Panch Mahals Districts—31 per cent of the total population of this district is composed of aboriginal people who are mainly concentrated in the talukas of Dohad and Jhalod.

9. THE CENTRAL PROVINCES AND BERAR—The Government of India recommended that in the Central Provinces and Berar there should be no totally excluded areas but the following should be considered as partially excluded:—

(1) the Ahiri zamindari and the zamindaris of the Garchiroli tehsil of the Chanda District;

(2) the Chhindwara jagirdaris of the Chhindwara District;

(3) the Mandla District;

(4) the Satgarh in the Bilaspur District and in the same district the Padampur tract for transfer to Orissa;

(5) the Aundhi, Koracha, Panabaras and Ambagarh Chowki zamindaris of the Drug District;

(6) the Baihar tehsil of the Balaghat District;

(7) the Melghat in the Amraoti District of Berar;

(8) the Khariar estate in the Raipur District for transfer to Orissa; and

(9) the Bhainsdehi tehsil of the Betul District.

The Chanda District:—

(a) *The Ahiri Zamindari*:—This area has a population of 40,450 of whom 30,294 or 74.9 per cent are aborigines.

(b) *The Garchiroli Tehsil*:—This tract has a population of 170,090 of whom 61,957 or 36.2 per cent belong to the aboriginal tribes. There are 15,573 very backward Marias in Garchiroli.

The Chhindwara District:—The tract known as the Chhindwara Jagirdaris covers an area of 1,600 sq. miles. It has a population of 77,491 of whom 59,067 or 66.2 per cent are aborigines. The density of the total population in this tract is 48 per sq. mile. Gonds, Mowasis, Korkus are some of the important primitive tribes inhabiting this area.

The Mandla District:—The aborigines of this district are still in the pastoral stage although they are also engaged in agriculture. Some of them find employment as labourers in the Public Works and Forest Departments.

The greatest weakness in the economic life of these as of most of the tribes elsewhere is the absence of subsidiary occupations. There are no tailors, blacksmiths, weavers, carpenters or goldsmiths among them. Ropes are made for domestic use and not for sale. They do not prepare even baskets for the market. Shop-keeping as a profession is unknown to them. Transport is in the hands of non-aborigines, who own almost all the carts in the area.

The Bilaspur District:—The Satgarh or the seven zamindaris of the Bilaspur District is a compact area of 3,549 sq. miles. The tract is constituted by the zamindaris of Pendra, Kenda, Matin, Lapha, Uprora, Chhuri and Korba. Separate census statistics for each of these divisions are not available, but the population of Pendra and Kenda is 119,771 of whom 68,218 or 57 per cent belong to aboriginal tribes.

The principal tribes inhabiting the Satgarh tract are Gonds, Kanwar, Panka, Binjwar, Bhaina, Ganda, Dhanuhar, Majhwar, Pal, Khol, Khairwar, Bhumia, Binjhia, Oraon and a few minor tribes. They form more than 75 per cent of the total population in the seven zamindaris.

The Drug District:—The area has a total population of 817,924 persons of whom there are 115,362 Gonds, 55,347 Halbas and 6,124 Kawars. Including all the other primitive tribes the total aboriginal population of the district is 179,154.

The Balaghat District:—The Baihar tehsil of this district has a population of 99,092 of whom 55,340 or 55.8 per cent are aborigines.

The Amraoti District:—The mountainous tract in the North of this district is known as Melghat. It is populated by 47,847 persons of whom 33,909 or 70.8 per cent belong to the primitive races. Of these, 30,273 are Korkus.

The Raipur District:—The Khariar estate is the largest and most important zamindari of the Raipur District and has a big aboriginal population.

The Betul District:—According to the latest census figures, the Bhainsdehi tehsil has 26,000 Gonds and 23,000 Korkus.

CONCLUSION

The aboriginal races of India are potentially one of the most vital parts of the Indian population and yet the most oppressed.

For centuries the march of civilization has either pushed them deeper and deeper into forests and hills or preserved them as the drawers of water and hewers of wood in the more developed parts. Prior to the advent of British rule they led isolated and self-sufficient lives consistent with the social and cultural values which they had evolved for ages and which gave their tribal organisation a certain cohesion and meaning. British rule broke up their isolation, not to raise their economic and cultural level and to bring them within the pale of civilization but merely to tighten the imperialist grip over them by subjecting their territories to armed occupation. A ruthlessly autocratic system of administration was forcibly imposed on these virile and freedom loving people. The parasitic feudal elements among them were fostered and strengthened. The tribal rights in land were revised in a manner as to make a few tribal chiefs the absolute owners of the greater part of the land and the majority of cultivators no better than their chattel slaves. The tribal chiefs being vested with enormous powers became the main prop of British administration in these areas. The money lending classes were similarly strengthened and given special protection by law. Direct imperialist exploitation went hand in hand with enhanced feudal exactions. The administration of revenue and justice and special forest and excise laws subjected the tribes to heavy taxation, both direct and indirect, which coupled with the bribery and corruption of the lower officials reduced the great bulk of the people to dire poverty. Spontaneous mass revolts against economic grievances were suppressed with the help of military and armed police.

Deprived of their lands and liberty, overburdened with feudal and official exactions, harassed by an unsympathetic

and autocratic administration, the great majority of the tribal people began to degenerate physically and morally. Epidemics and other preventable diseases began to take a terrible toll of life. Crime increased everywhere; theft, cattle lifting and murder, crimes which among primitive people, living a free and natural life are less common than among more civilized communities, became very widespread. The age-long cohesion of the tribal communities began to loosen, the old tribal values began to weaken but Imperialism systematically curbed the growth of higher social values and organisation by obstructing the development of any vital contact between the tribes and the civilized areas.

British Imperialism refuses to recognise even the humanity of over 15 million inhabitants of India. That this should be so in an age when Science is rapidly conquering the world, when new vistas of a richer, brighter and a more rational life are opening out before mankind shows conclusively how the death grip of Imperialism is today the greatest drag on the progress of humanity. Anti-imperialist India must take up the cause of these millions of Indians who have been condemned to a state of sub-human existence. Their natural and inalienable right to be treated as human beings must be vindicated and fought for by the rest of their countrymen. They need bread, education, justice and peace. The entire country needs these. But they are more down-trodden, more oppressed, more speechless. Their fight must therefore become the special concern of all those forces who are struggling against Imperialism for the complete political and economic emancipation of India.

The Indian National Congress has given the lead in the matter by passing the following resolution at the Faizpur Sessions:

"This Congress is of opinion that the creation of Excluded and 'Partially Excluded Areas' and Chief Commissioners' Provinces, including British Baluchistan, from the 1st Jan., 1937 and covering the area of 207,900 square miles and inhabited by 13 million people is yet another attempt to divide the people of India into different groups with unjustifiable and discriminatory treatment and to obstruct the growth of uniform democratic institutions in the country.

"This Congress is further of opinion that the separation

of these "Excluded" and "Partially Excluded Areas" is intended to leave a larger control of disposition and exploitation of the mineral and forest wealth in those areas and keep the inhabitants of those areas apart from the rest of India for their easier exploitation and suppression.

"This Congress holds that the same level of democratic and self-governing institutions should be applicable to all parts of India without any distinction."

It is now necessary to build up a strong agitation in the country against the exclusion of these areas, on the basis of the Congress resolution. Both inside and outside the legislature, Congressmen and all other anti-imperialist elements must raise a strong demand that the legislative barriers which separate the excluded areas from the rest of India should be broken down; that the excluded areas should be brought within the scope of civilized administration; that all repressive laws and such enactments as overburden the tribal people with undue taxation should be repealed; that the land system should be revised in the direction of giving special protection and greater rights to tenants; that provision should be made for the material development of these areas by greater expenditure on public works; that adequate facilities should be provided for free education and medical aid; that modern representative institutions should be introduced and encouraged in these tracts; in short that they should be allowed to become in every sense an organic part of the more developed areas which surround them.

And when this country is a free land, unfettered by even the vestigial remnants of the past, the so-called aboriginal races will, in common with their other countrymen, work out the destiny of a greater and happier India.